

CLAIM OF: DONTÉ GATHING,

through her attorney,  
John M. Foy

1750 Peachtree Street, NW, Suite 201  
Atlanta, Georgia 30309

For damages alleged to have been sustained as a  
result of a vehicular accident on March 7, 2000 at  
Winton Terrace, NE and Boulevard, NE.

BY PUBLIC SAFETY AND LEGAL  
ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of  
Atlanta that the action of the Department of Law  
be approved in authorizing payment to DONTÉ  
GATHING, through her attorney, John M. Foy  
the sum of \$1,000.00 in full settlement and  
satisfaction of all claims, past, present and future,  
of every kind and character for damages alleged to  
have been sustained as a result of a vehicular  
accident on March 7, 2000 at Winton Terrace, NE  
and Boulevard, NE as is more particularly set  
forth in the within claim; said sum taken from and  
charged to account 1A01/529017/T31001,  
Settlement of Suits and Claims, Department of  
Law.

**CONSENT AGENDA**

APPROVED: SUSAN PEASE LANGFORD  
CITY ATTORNEY

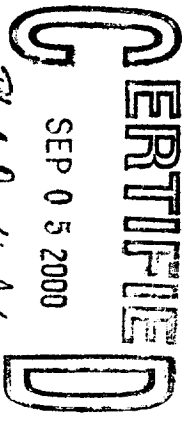
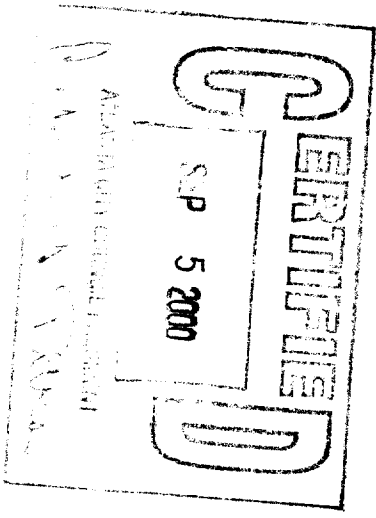
BY: *Rosalind Rubens Newell*  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

ADOPTED BY

SEP 0 5 2000

COUNCIL

**ADDITIONAL RETURN**  
*Public Safety*  
*8/15/2000*  
*C. T. Martin*  
*Rosalind Newell*  
*Debra Henderson*



*Rosalind Rubens Newell*  
MUNICIPAL CLERK

**APPROVED**

SEP 14 2000

WITHOUT SIGNATURE  
BY OPERATION OF

**MUNICIPAL CLERK  
ATLANTA, GEORGIA**

**00-R-1243**

**A RESOLUTION**

**BY PUBLIC SAFETY AND  
LEGAL ADMINISTRATION COMMITTEE**

**BE IT RESOLVED BY** the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **Donte Gathing, through her attorney, John M. Foy** in the sum of **\$1000.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character, for damages alleged to have been sustained as **a result of a vehicular accident on March 7, 2000 at Winton Terrace, NE and Boulevard** as is more particularly set forth in the within claim; said sum taken from and charged to Account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

A true copy,

*Rhonda Daughkin Johnson*  
Municipal Clerk, CMC

**ADOPTED** by the Council  
**RETURNED WITHOUT SIGNATURE OF THE MAYOR**  
**APPROVED** as per City Charter Section 2-403

SEP 05, 2000

SEP 14, 2000

**DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY**

Claim No. 00L0231

Date: July 27, 2000

Claimant /Victim DONTE GATHING  
BY: (Atty) John M. Foy  
Address: 1750 Peachtree Street, NW, Suite 201, Atlanta, Georgia 30309  
Subrogation: Claim for Property damage \$ Bodily Injury \$ 18,000.00  
Date of Notice: 04/18/00 Method: Written, proper X Improper         
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 03/07/00 Place: Winton Terrace, NE and Boulevard, NE  
Department Police Division:         
Employee involved D. Little Disciplinary Action: No Action Taken

NATURE OF CLAIM: The driver of the City vehicle backed into the vehicle in which the claimant was riding causing him injuries in the above amount.

**INVESTIGATION:**

Statements: City employee        Claimant        Others        Written        Oral         
Pictures        Diagrams        Reports: Police X Dept Report        Other         
Traffic citations issued: City Driver        Claimant Driver         
Citation disposition: City Driver        Claimant Driver       

**BASIS OF RECOMMENDATION:**

Function: Governmental X Ministerial         
Improper Notice        More than Six Months        Other        Damages reasonable         
City not involved        Offer rejected        Compromise settlement X  
Repair/replacement by Ins. Co.        Repair/replacement by City Forces         
Claimant Negligent        City Negligent X Joint        Claim Abandoned       

Respectfully submitted,

  
INVESTIGATOR - DIANNE C. MITCHELL

**RECOMMENDATION:**

Pay \$ 1,000.00 Adverse        Account charged: 1A01 X 2J01        2H01         
Claims Manager:        Concur/date 07-27-00  
Committee Action:        Council Action

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Reeves  
04/17/00  
*[Signature]*

**SOBELL & FOY**  
A PROFESSIONAL CORPORATION  
ATTORNEYS & COUNSELORS AT LAW  
1750 PEACHTREE STREET, N.W.  
SUITE 201  
ATLANTA, GEORGIA 30309

DAVID M. SOBELL\*  
JOHN M. FOY

\*ALSO ADMITTED IN AL

TELEPHONE  
(404) 873-4488  
FACSIMILE  
(404) 873-4490

ENTERED - 4-18-00 - SB  
00L0231 - MIKE REEVES

**VIA CERTIFIED MAIL**

The Atlanta City Council  
Office of the President  
Mr. Robb Pitts  
55 Trinity Ave.  
Suite 2900  
Atlanta, GA 30335

Re: **Ante Litem Notice**

Our Client(s): Mabel Foster, Donte Gathing

Date of Incident: 03/07/00

Location: Winton Terrace, NE and Boulevard, NE, Atlanta, GA

Dear Mr. Pitts,

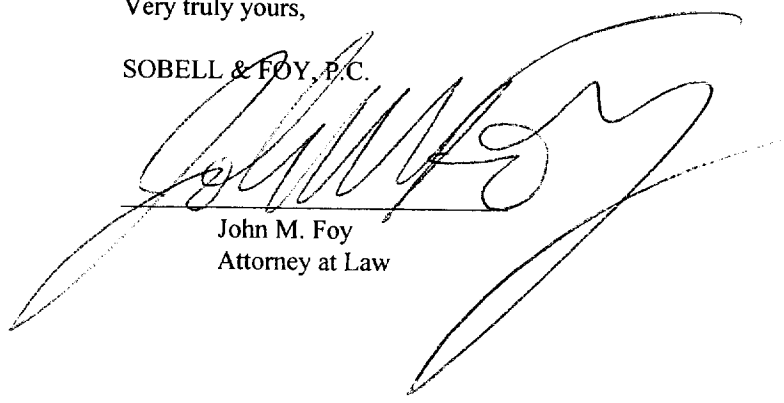
This letter shall provide official notice to The City of Atlanta of a claim for damages in accordance with O.C.G.A. section 36-33-5. Our clients, Mabel Foster and Donte Gathing, were injured as a result of Officer D. Little's negligence while he was on duty with the Atlanta Police Department. While watching suspect[s], Officer Little put his unmarked police car into reverse and accelerated into the car behind him occupied by our clients. Officer Little was clearly at fault. Enclosed please find the Georgia Uniform Motor Vehicle Accident Report # 000672151 which details the accident.

Our clients, Mabel Foster and Donte Gathing, were injured as a result of the impact and the car Ms. Foster was driving was damaged. Both of our clients suffered injuries to their necks and backs and are currently treating with Dr. Gentry. We will forward their medical records as they become available.

By this letter, we are requesting that this claim be submitted to The City of Atlanta governing authority for adjustment. Should you have any questions regarding this matter, please do not hesitate to call. Thank you for your time and attention to this matter.

Very truly yours,

SOBELL & FOY, P.C.

  
\_\_\_\_\_  
John M. Foy  
Attorney at Law

GENERAL RELEASE AND INDEMNIFICATION

CLAIM NUMBER 00L0231

\$ 1,000.00

IN CONSIDERATION of the sum of ONE THOUSAND AND NO/100  
                     DOLLARS, to be paid to me by the CITY OF ATLANTA, the future receipt of which is hereby  
acknowledged, I do hereby, for myself, my heirs, executors, administrators, and assigns, release and forever  
discharge said City, its officers and employees, including but not limited to D. Little, from any and all claims,  
demands, actions, causes of action, suits, damages, loss and expenses, of whatsoever kind or nature for or on account  
of anything that has heretofore occurred, and particularly for or on account of a vehicular accident  
which occurred on or about the 7th day of March, 2000,

at or near Winton Terrace, NE and Boulevard, NE

It is further understood and agreed that the payment of the above named sum is not to be considered as an  
admission on the part of the City, its officers, agents, servants or employees, of any liability whatsoever and the  
undersigned further covenants and agrees to indemnify and hold harmless the City of Atlanta, its officers, agents,  
servants and employees, from any and all claims, damages or costs which the said City of Atlanta, its officers,  
agents, servants and employees, may be called upon to make as a result of the event hereinbefore referred to.

And I now state that the only consideration for my signing this release and indemnification is the payment  
of the sum stated above; that no other promise or agreement of any kind or nature has been made to or with me by  
said City or its agents to cause me to sign this release, and that I fully understand the meaning and intent of this  
instrument.

WITNESS my hand and seal this 26 day of July, 2000.

Donte Gathing (LS)  
**DONTE GATHING**

John M. Foy (LS)  
**JOHN M. FOY, ATTORNEY AT LAW**

The above release was read and explained to, and signed by the said \_\_\_\_\_

\_\_\_\_\_ in our presence on the date above written.

Laura Escobar  
Witnesses

RCS# 2194 :  
9/05/00  
2:17 PM

Atlanta City Council

Regular Session

CONSENT

Pages: 1-12

Adopt

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 3  
EXCUSED: 0  
ABSENT 0

SEE ATTACHED LISTING OF  
ITEMS ADOPTED/ADVERSED  
ON CONSENT AGENDA

Y McCarty	Y Dorsey	Y Moore	Y Thomas	ITEM (S) REMOVED FROM <u>CONSENT AGENDA</u> 00-O-1007 00-R-1309
Y Starnes	NV Woolard	Y Martin	Y Emmons	
NV Bond	Y Morris	Y Maddox	Y Alexander	
Y Winslow	Y Muller	Y Boazman	NV Pitts	

CONSENT

09/05/00 Council Meeting	
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSED ON CONSENT AGENDA
<ol style="list-style-type: none"> <li>1. 00-O-1102</li> <li>2. 00-O-1143</li> <li>3. 00-O-1207</li> <li>4. 00-O-1295</li> <li>5. 00-O-1303</li> <li>6. 00-O-1313</li> <li>7. 00-O-1124</li> <li>8. 00-O-1125</li> <li>9. 00-O-1126</li> <li>10. 00-O-1127</li> <li>11. 00-O-1128</li> <li>12. 00-O-1133</li> <li>13. 00-O-1196</li> <li>14. 00-O-1298</li> <li>15. 00-O-1122</li> <li>16. 00-O-1300</li> <li>17. 00-R-1198</li> <li>18. 00-R-1230</li> <li>19. 00-R-1290</li> <li>20. 00-R-1312</li> <li>21. 00-R-1316</li> <li>22. 00-R-1265</li> <li>23. 00-R-1266</li> <li>24. 00-R-1267</li> <li>25. 00-R-1268</li> <li>26. 00-R-1270</li> <li>27. 00-R-1314</li> <li>28. 00-R-1229</li> <li>29. 00-R-1233</li> <li>30. 00-R-0886</li> <li>31. 00-R-1236</li> <li>32. 00-R-1237</li> <li>33. 00-R-1238</li> <li>34. 00-R-1239</li> <li>35. 00-R-1240</li> <li>36. 00-R-0241</li> <li>37. 00-R-1242</li> <li>38. 00-R-1243</li> <li>39. 00-R-1244</li> </ol>	<ol style="list-style-type: none"> <li>40. 00-R-1235</li> <li>41. 00-R-1245</li> <li>42. 00-R-1246</li> <li>43. 00-R-1247</li> <li>44. 00-R-1248</li> <li>45. 00-R-1249</li> <li>46. 00-R-1250</li> <li>47. 00-R-1251</li> <li>48. 00-R-1252</li> <li>49. 00-R-1253</li> <li>50. 00-R-1254</li> <li>51. 00-R-1255</li> <li>52. 00-R-1256</li> <li>53. 00-R-1257</li> <li>54. 00-R-1258</li> <li>55. 00-R-1259</li> <li>56. 00-R-1260</li> <li>57. 00-R-1261</li> <li>58. 00-R-1262</li> <li>59. 00-R-1263</li> <li>60. 00-R-1264</li> </ol>